

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE OF TEXAS, et al.;

Plaintiffs,

vs.

RISING EAGLE CAPITAL GROUP, LLC, et
al.;

Defendants.

Case No. 4:20-cv-02021

AGREED ADMISSIONS OF FACT

Parties

1. John C. Spiller, II, Jakob A. Mears, Rising Eagle Capital Group LLC, JSquared Telecom LLC, and Rising Eagle Capital Group-Cayman, are no longer defendants in this enforcement action. Collectively, they are referred to as the “Rising Eagle Group.”

2. The remaining defendants in this case are Michael Theron Smith, Jr., Scott Shapiro, and Health Advisors of America, Inc.

Defendants and the HAA Business

3. Defendant Michael Theron Smith, Jr. (“Mr. Smith”) is an individual residing in Florida.

4. Defendant Scott Shapiro (“Mr. Shapiro”) is an individual residing in Florida.

5. Smith founded Defendant Health Advisors of America, Inc. (“HAA”) as a Florida corporation on April 10, 2017.

6. HAA was voluntarily dissolved on June 14, 2019.

7. Smith was the President and sole shareholder of HAA.

8. Mr. Smith used the email address: MTSInsurance@gmail.com.

9. Mr. Smith used this email for business-related correspondence.

10. Mr. Shapiro used the email address: Shapscott@hotmail.com.

11. Mr. Shapiro used this email for business-related correspondence.

12. Mr. Shapiro used this email for HAA business-related correspondence between April 12, 2017 and June 14, 2019.

13. Mr. Smith used the cell phone number: 954-347-7383.

14. Mr. Smith used this cell phone number for business-related communications.

15. Mr. Smith used this cell phone number for HAA business-related communications between April 12, 2017 and June 14, 2019.

16. Mr. Shapiro used the cell phone number: 954-790-2368.

17. Mr. Shapiro used this cell phone number for business-related communications.

18. Mr. Shapiro used this cell phone number for HAA related communications between April 12, 2017 and June 14, 2019.

19. On April 12, 2017, HAA and Mr. Shapiro executed a written contract with HAA.

20. Mr. Shapiro was compensated by HAA directly.

21. These payments were made to CRS Marketing.

Defendants and the Rising Eagle Group

22. To communicate with Spiller and Mears, Mr. Smith and Mr. Shapiro used phone calls, text messages, and emails.

23. Spiller and Mears managed the email account:
RPGScottandMike@gmail.com.

24. Mears used the cell phone number: 512-791-0487.

25. Spiller used the cell phone number: 281-755-9154.

26. Mears sent text messages to Mr. Shapiro and received text messages from Shapiro.

27. Mears and Shapiro sent messages to each other regarding the Rising Eagle Group's telemarketing campaign(s) for HAA Defendants.

28. Mears sent text messages to Smith and received text messages from Smith.

29. Mears and Smith sent messages to each other regarding the Rising Eagle Group's telemarketing campaign(s) for the HAA Defendants.

30. Spiller sent text messages to Mr. Shapiro and received text messages from Shapiro.

31. Mr. Shapiro sent phone numbers, identified as lead lists, to the Rising Eagle Group.

32. Mr. Shapiro sent emails to RPGScottandMike@gmail.com.

33. Mr. Shapiro sent emails to RPGScottandMike@gmail.com that included computer files containing telephone numbers.

Spiller in Jail

34. From November 27, 2018, to March 8, 2019, Spiller was incarcerated at the Travis County Jail.

35. Mr. Shapiro communicated with Mears, including exchanging text messages.

36. Mr. Smith has never obtained a telephone solicitor's certificate of registration from the Ohio Attorney General's Office.

37. Mr. Shapiro has never obtained a telephone solicitor's certificate of registration from the Ohio Attorney General's Office.

38. HAA did not register as a telephone solicitor with the Ohio Attorney General's Office prior to making telephone solicitation to persons in Ohio.

39. Mr. Smith did not register as a telephone solicitor with the Ohio Attorney General's Office prior to making telephone solicitations to persons in Ohio.

40. Mr. Shapiro did not register as a telephone solicitor with the Ohio Attorney General's Office prior to making telephone solicitations to persons in Ohio.